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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,794	08/02/2001	John F. Broker	BRO009-162	4309

7590 04/20/2004  
DIEDERIKS & WHITELAW, PLC  
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Woodbridge, VA 22192

EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/919,794

Applicant(s)

BROKER ET AL

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This Office Action is in response to the patent application (09/919,794) filed on August 2, 2001.

### **Information Disclosure Statement**

2. The submitted information disclosure statement with references is considered and entered into the file application.

### **Drawings**

3. The submitted Formal Drawings are approved by the Examiner.

### **Status of the claims**

4. The pending claims 1-20 are examining as follows:

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-4 and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2 and 9 recite the limitation "the form" in line 2 of each claim. There is insufficient antecedent basis for this limitation in the claims.

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Blair et al (US 6,502,265).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regard to claim 1:

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Similar to the present invention, Blair is directed to the art of laundry appliances, and more particularly, to a menu driven electronic interface system used in controlling the operation of a laundry appliance

Blair discloses a method of conveying information (**Fig.2, 102, 104, 106 and 108**) on a display screen (**100**) of an appliance comprising:

dividing the screen into a plurality of zones (**zones 15, FIG. 2, column 3, lines 46-49**);

displaying a first set of information (**Figs. 2, 8A, 8B, etc., illustrate an initial operating screen set**) in one of the plurality of zones; and

causing said one of the plurality of zones to become enlarged (e.g., **Fig. 3A, etc., wherein selecting Hints & Tips from screen 100, results enlarged menu screen 110**) so as to substantially, entirely encompass the screen, while automatically presenting (**column 8, lines 65-67**) a second set of information representing additional details (**these are the sub menus of Hints & Tips shown in screen 110**) concerning the first set of information on the screen (see also **Figs. 3B-8B, etc., these Figs illustrate hierarchical display of menus**)

With regard to claim 2:

Blair further also discloses presenting the first set of information in the form of codes (**Fig. 6, #280, column 5, lines 58-60**).

With regard to claim 3:

Blair further discloses providing the additional details to define the codes (**Fig. 6, #280, column 5, lines 58-60**).

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With regard to claim 4:

Blair further discloses diagnostic codes presented as the first set of information (Fig. 6, #250, column 5, lines 44-50).

With regard to claim 5:

Blair also discloses that the plurality of zones is divided into substantially equally sized areas (Figs. 2, 3A, etc).

With regard to claim 6:

Blair further discloses maintaining the first and second sets of information in a hierarchical format (see successive screens displays of Figs. 3A, 3B, 4 5, etc).

With regard to claim 7:

Blair also discloses physically touching the screen to enlarge said one of the pluralities of zones (Figs. 3A, 4, etc, column 2, lines 56-64).

With regard to claims 8-14:

Claims 8-14 are also method claims corresponding to method claims 1-7, respectively. Thus, since claims 8-14 includes relevant limitations similar to those found in claims 1-7, these claims are also rejected for at least the reasons disclosed above with respect to claims 1-7, respectively.

With regard to claims 15-20:

Claims 15, 16, 17, and 18 correspond generally to claims 1, 2, 3, and 5, respectively, and recite similar features in system form, and therefore are rejected under the same rationale.

With regard to claim 19:

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Blair also discloses that the screen constitutes a touch screen (Figs. 3A, 4, etc, column 2, lines 56-64).

With regard to claim 20:

Blair also discloses the appliance constitutes a laundry appliance (Abstract).

### Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 -6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu



April 10, 2004